

**REMARKS**

Examination of the present application is respectfully requested.

**Rejection Under 35 U.S.C. § 103(a)**

In the November 6, 2001 Final Office Action, claims 1-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,706,416 to Mann et al. ("Mann").

Applicant respectfully traverses this rejection as follows.

Applicant respectfully submits Mann did not teach or suggest dividing each of at least two digital images into a plurality of areas and identifying where overlapping ones of the areas overlap, as claimed in independent claims 1, 9, 17, and 25.

**Final Office Action**

The Final Office Action on page 3 states:

\* \* \* Mann discloses identifying where two digital images overlap at a first resolution (abstract; col. 9-10), dividing the two images into a plurality of areas (col. 4, ll. 8 et seq.) and identifying where the areas overlap at the second resolution (col. 12, ll. 22 et seq.; col. 13, ll. 1 et seq.).

Mann taught in column 4 at lines 8-22:

Accordingly, in a first aspect, the invention comprises methods and apparatus for determining whether two images are even related to one another according to a projective coordinate transformation. This application of the invention is useful, for example, in automatically detecting shot changes in a sequence of video frames.

In a second aspect, the invention is used to identify the common portions of two images, spatially align the images in a consistent coordinate reference frame, and combine the common image portions to enhance overall resolution. In a related third aspect, the invention is used to identify distinct, possibly non-overlapping image portions and "paste" these together, along with the common image portions, to produce a composite scene of greater spatial extent than any of the component images.

Mann taught in column 12 at lines 48-52:

While combining the common portions of overlapping images can enhance the resolution of those portions, combining the non-overlapping portions facilitates construction of an image of greater spatial extent than any of the component images.

Mann therefore taught the identification of common image portions and distinct, possibly non-overlapping image portions of two images. Applicant respectfully submits, however, that Mann did not teach or suggest identifying where the common portions of two images overlap and therefore did not teach or suggest any identifying where overlapping areas overlap, as claimed in independent claims 1, 9, 17, and 25.

Indeed, Applicant respectfully submits Mann taught away from the claimed identifying where overlapping areas overlap. Because the common image portions of Mann, by definition, fully overlap one another, Applicant respectfully submits one of ordinary skill in the art would not have been motivated to identify where such common image portions overlap.

The Final Office Action on page 3 also states:

Mann fails to specifically disclose dividing the images into areas at a second resolution higher than the first, however it would have been obvious to one of ordinary skill in the art at the time of invention to use his disclosure because he teaches identifying common/non-common portions and aligning the images in a consistent coordinate reference frame (col. 4, ll. 14 et seq.).

Applicant respectfully submits, however, that this conclusion of obviousness has been drawn in hindsight only after reading Applicant's claims. That Mann taught identifying common image portions and aligning images in a consistent coordinate reference frame would not have suggested to one of ordinary skill in the art to divide each of at least two digital images into a plurality of areas at a second resolution level as claimed in independent claims 1, 9, 17, and 25.

Applicant notes the Final Office Action does not specify how one of ordinary skill in the art

would have "used" the disclosure of Mann in such a way as to result in the invention of claims 1, 9, 17, and 25.

Advisory Action

The January 17, 2002 Advisory Action states:

The request for reconsideration has been considered but does NOT place the application in condition for allowance because Mann divides the image into plural areas, which are identified as common and non-common image portions that are relative to another image. Additionally, he identifies the common image portions as portions of overlap as indicated in the final rejection.

This response, however, did not address Applicant's arguments above.

Applicant again respectfully submits that Mann did not teach or suggest any identifying where overlapping areas overlap, as claimed in independent claims 1, 9, 17, and 25. The non-common image portions of Mann by definition do not overlap one another. The common image portions of Mann by definition fully overlap one another. Applicant respectfully submits one of ordinary skill in the art would not have been motivated to identify where such areas overlap because where they overlap is already known.

Applicant again notes the Final Office Action does not specify how one of ordinary skill in the art would have "used" the disclosure of Mann in such a way as to result in the invention of claims 1, 9, 17, and 25.

Noting claims 2-8, 10-16, 18-24, and 26-31 depend from claim 1, 9, 17, or 25, Applicant therefore respectfully submits this rejection has been overcome and should accordingly be withdrawn.

**MARKED UP VERSION OF AMENDMENTS**

Claims 32-43 have been added.

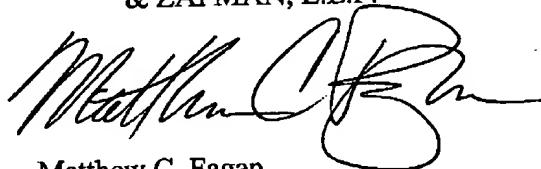
In view of the foregoing amendments and remarks, it is respectfully submitted the present application is in condition for allowance, for which early action is earnestly solicited.

The Examiner is invited to telephone the undersigned to help expedite any further prosecution of the present application.

The Director of the U.S. Patent and Trademark Office is hereby authorized to credit any overpayment or to charge any fees or fee deficiencies under 37 C.F.R. §§ 1.16 and 1.17 in connection with this communication to our Deposit Account No. 02-2666.

Respectfully submitted,

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& ZAFMAN, L.L.P.



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